

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**IN THE ESTATE OF PATRICIA A. KRUSZKA, DECEASED; JOHN LEACHMAN,  
APPELLANT**

**vs.**

**RICHARD GREGORY,  
RESPONDENT**

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DOCKET NUMBER WD79711

DATE: MARCH 28, 2017

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Appeal from:

The Circuit Court of Buchanan County, Missouri  
The Honorable Daniel F. Kellogg, Judge

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Appellate Judges:

Division Three: Victor C. Howard, Presiding Judge, Gary D. Witt, Judge and Zel Fischer,  
Special Judge

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Attorneys:

Stephen J. Briggs, for Appellant

Jonathan Sternberg for Respondent

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS  
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**IN THE ESTATE OF PATRICIA A. KRUSZKA, DECEASED; JOHN LEACHMAN,  
APPELLANT**

**v.**

**RICHARD GREGORY, RESPONDENT**

WD79711

Buchanan County, Missouri

Before Division Three: Victor C. Howard, Presiding Judge, Gary D. Witt, Judge and Zel Fischer, Special Judge

John Leachman appeals from a judgment entered in probate proceedings sustaining a claim of Richard Gregory against the Estate of Patricia A. Kruszka. Because Mr. Leachman's notice of appeal was untimely, the appeal is dismissed.

**DISMISSED.**

**Division Three holds:**

The probate court's judgment adjudicating a claim against the estate was an interlocutory order that was appealable under section 472.160.1(1). Rule 81.05(a)(1) did not apply to the interlocutory order, and it became appealable immediately upon entry. Because Mr. Leachman failed to file his notice of appeal within ten days of the entry of the judgment, it was untimely. The appeal is dismissed.

**Opinion by: Victor C. Howard, Judge**

Date: March 28, 2017

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